



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 10, 1998

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR98-2149

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117913.

The City of Houston (the "city") received a request for information concerning a certain 911 call. You state that the city is making available to the requestor two pages of responsive records. You assert that the remainder of the requested information is excepted from disclosure based on section 552.101 of the Government Code in conjunction with section 773.091(b) of the Health and Safety Code. You have submitted the information at issue to this office.

Section 552.101 of the Government Code excepts from required public disclosure information that is made confidential by law, including information made confidential by statute. Section 773.091(b) of the Health and Safety Code reads as follows:

Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

We agree that the submitted information is an emergency medical service record covered by this statute. Chapter 773 of the Health and Safety Code contains exceptions to the confidentiality of section 773.091, but none of them appears to be applicable here. However, subsection (g) of section 773.091 states that the confidentiality does not extend to "information regarding the presence, nature of injury or illness, age, sex, occupation, and city or residence of a patient who is receiving emergency medical services." Thus, with the exception of the subsection (g) information, the city must withhold the information from the requestor based on section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/mjc

Ref.: ID# 117913

Enclosures: Submitted documents

cc: Mr. Tony Kovaleski
Channel 2 News - The Investigators
P.O. Box 2222
Houston, Texas 77252
(w/o enclosures)